



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

February 8, 2013
System No. 1502133

Carl Tristao
Treehouse California Almonds
P.O. Box 12150
Earlimart, CA 93219

**RE: NONCOMPLIANCE WITH 2011 CONSUMER CONFIDENCE REPORT (CCR)
Treehouse California Almonds**

Dear Mr. Tristao:

Attached you will find a Citation No. 03-19-13C-032 that the Department of Public Health is issuing to the Treehouse California Almonds Water System (hereinafter Water System) to document the Water System's noncompliance with the Consumer Confidence Report (CCR) requirements as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations (details provided in Citation No. 03-19-13C-032).

Based on review of our files, the Water System has failed to provide its customers with the CCR for the year 2011. By a letter dated January 11, 2013, the Department notified the Water System about this noncompliance issue and requested submittal of the 2011 Consumer Confidence Report and Certification Form by January 22, 2013.

Please note that a written response to the Citation is required by March 8, 2013. In addition, the Citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action including civil penalty. If you have any questions concerning any directive of the Citation, please call Osiel Jaime with this office at (661) 335-7347.

Sincerely,

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-13C-032

CC: Kern County Environmental Health Services Department (w/o enclosure)

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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **TREEHOUSE CALIFORNIA ALMONDS**
 Water System No. 1502133

TO: Carl Tristao
 Treehouse California Almonds
 P.O. Box 12150
 Earlimart, CA 93219

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE – Water System No. 1502133
2011 CONSUMER CONFIDENCE REPORT**

Citation No. 03-19-13C-032

Issued on February 8, 2013

Section 116650, Chapter 4 of the California Health and Safety Code (CHSC), authorizes the issuance of a Citation for failure to comply with a requirement of any section of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

VIOLATION

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter "Department") hereby issues a Citation to Treehouse California Almonds Water System (hereinafter "Water System"), for failure to comply with Section 116470 of the CHSC, and Section 64480.(a), Section 64483.(a) and Section 64483.(c) of Title 22, California Code of Regulations. Specifically, the Water System failed to distribute by July 1, 2012, a Consumer Confidence Report (CCR) to each water system customer providing specific information on the water quality served to consumers during the year 2011.

1
2 **Section 116470.(a) Consumer Confidence Report**

3 Section 116470.(a), CHSC, specifies that as a condition of its operating permit, every public
4 water system shall annually prepare a consumer confidence report and mail or deliver a
5 copy of that report to each customer.

6
7 **Section 64480.(a) Consumer Confidence Report – Applicability and Distribution**

8 Section 64480.(a), Title 22, California Code of Regulations, specifies that each community
9 and nontransient-noncommunity water system shall prepare and deliver the first Consumer
10 Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter.

11
12 **Section 64483.(a) Consumer Confidence Report Delivery and Record Keeping**

13 Specifies that each water system shall mail or directly deliver one copy of the Consumer
14 Confidence Report to each customer.

15
16 **Section 64483.(c) Consumer Confidence Report Delivery and Record Keeping**

17 Specifies that no later than the date the water system is required to distribute the Consumer
18 Confidence Report to its customers, each water system shall mail a copy of the report to the
19 Department, followed within three (3) months by a certification that the report has been
20 distributed to customers, and that the information is correct and consistent with the
21 compliance monitoring data previously submitted to the Department.

22
23 As described in Section 64481, Title 22, California Code of Regulations, the CCR is to
24 provide, as a minimum, source of water purveyed by the public water system, specific
25 information on concentrations of microbiological contaminants, minerals, physical agents,
26 inorganic chemicals, organic chemicals, radioactivity, sodium, hardness, disinfection by-
27 products, detected in the water supply, origin of contaminants detected in the water;

1 explanation of any MCL violation of the primary drinking water standard, enforcement
2 actions, monitoring & reporting violations, statement of health concerns, terms of a
3 variance or exemption (if any granted to the water system), contact information of water
4 system designee for additional information concerning the report. Regulations requiring
5 community and nontransient noncommunity water supply systems in California to provide a
6 CCR to customers were adopted and effective on May 26, 2001.

7
8 A review of the Department's records indicates that the Department has not received a copy
9 of the 2011 Consumer Confidence Report and Certification Form (2011 CCR provided to
10 customers by the Water System and certification to the Department that 2011 CCR has been
11 distributed to customers). **Therefore, the Department has determined that the Water**
12 **System is in violation of the CCR requirement.** In addition, the Water System is still
13 required to provide a CCR to its customers and mail a copy along with the CCR
14 Certification Form to the Department for the year 2012, which are due no later than July 1,
15 2013 and July 31, 2013, as described under the Directives.

16
17 By a letter dated January 11, 2013, the Department requested a copy of the 2011 Consumer
18 Confidence Report and Certification Form. The Department has not received a copy of the
19 2011 Consumer Confidence Report and Certification Form from the Water System and,
20 therefore, finds the Water System to be in violation of this requirement.

21
22 The above violations are classified as non continuing violations.

DIRECTIVES

Treehouse California Almonds is hereby directed to take the following actions:

11. Cease violating the reporting requirements of Section 116470 of the CHSC, and Section 64480.(a), Section 64483.(c), and Section.(c) of Title 22, California Code of Regulations.

12. By **March 8, 2013**, Treehouse California Almonds shall submit a written response to the Department acknowledging that it has received this citation and will comply with all the directives listed herein. A copy of the 2011 Consumer Confidence Report and Certification Form shall be included with the response **if** the Water System previously issued the 2011 CCR to its customers.

13. By **July 1, 2013**, Treehouse California Almonds shall distribute a Department approved Consumer Confidence Report to each customer reporting the water quality for the year 2012. The following website will serve as a guide to completing the 2012 CCR accurately.

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/CCR.aspx>

14. By **July 31, 2013**, Treehouse California Almonds shall submit to the Department certification of distribution to customers of the 2012 CCR, along with a copy of the 2012 CCR.

15. In the future, Treehouse California Almonds shall distribute a Consumer Confidence Report to each customer by July 1 of each year, reporting water quality information for the prior year. A copy of each year's consumer confidence report shall be provided to the Department within 30 days of issuance of the Consumer Confidence

1 Report and no later than October 1 each year with proof of distribution using the
2 Certification form.

3 All submittals required by this citation shall be addressed to:

4 Jaswinder S. Dhaliwal, P.E.,
5 Senior Sanitary Engineer
6 Department of Public Health
7 Southern California Branch
8 Drinking Water Field Operations
9 4925 Commerce Drive, Suite 120
10 Bakersfield, CA 93309
11 Phone: (661) 335-7315
12 Fax: (661) 335-7316

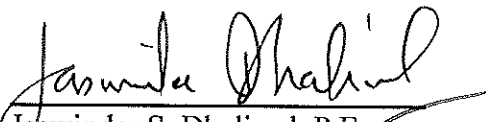
11 **CIVIL PENALTIES**

12 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty
13 for failure to comply with requirements of the Safe Drinking Water Act.

14
15 Failure to comply with any provision of this Citation may result in the Department
16 imposing an administrative penalty of up to \$200 (two hundred dollars) per day as of the
17 date of violation of any provision of this Citation. Treehouse California Almonds has been
18 billed at the current hourly rate of \$126.00 since this is an enforcement action for
19 noncompliance with the regulations.

20
21 The Department does not waive any further enforcement action by issuance of this citation,
22 and expressly reserves the right to issue a citation with penalties for the violations on which
23 the Directives of this citation are based.

24
25 February 8, 2013
26 Date

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Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

1 cc: Kern County Environmental Health Services Department
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